

REMARKS

This Amendment is responsive to the Office Action identified above, and is responsive in any manner indicated below.

RESPONSE TO AMENDMENTS - IMPROPER/TRAVERSE

In the first paragraph in Item 2 on page 2 of the Detailed Action, the Examiner states:

The applicants have indicated claims 46-54 as cancelled. However, the applicants have not requested the office to cancel the claims 46-54. So the examiner has treated the claims 46-54 as pending in the application.

Applicant respectfully submits that such Office Action treatment of the claims was improper.

As indicated on page 1 in Applicant's 6 May 2003 Amendment, that paper was presented in the "revised format" under §1.121. As set forth in the Federal Register Notice published 25 March 2003 in Vol. 68, No. 57, in the first column on page 143782, the revised format provides for "cancellation of any claim by mere instructions to cancel. If no instructions to cancel a specific claim were submitted in an amendment paper, listing the claims as canceled in the claim status would constitute an instruction to cancel the claim; no other instructions would be necessary." The Final Rule effective 30 July 2003, at 37 CFR §1.121(c)(4)(i), virtually mirrors the same language. Therefore, according to the revised format under §1.121 at the time of the 6 May Amendment as set forth at the Federal Register Notice, Applicant properly used the status indicators to indicate claims as

cancelled and needed to make no other instruction to do so for the claims to be cancelled.

In the second paragraph at Item 2 on page 2 of the Detailed Action, the Examiner states:

The applicants have referred to Examiner notice in previous [*sic.*] Office Action. The examiner requests the applicants' attention to the fact that the previous Office Action did not include any Examiner's notice.

Applicant respectfully traverses this statement.

More particularly, in the paragraph bridging pages 4 and 5 of the 6 May Amendment, Applicant stated:

Further, all Office Action statements regarding the prior art rejections are respectfully traversed, and most particularly, Applicant traverses all statements made by apparently judicial (Examiner) notice in the Office Action in support of the art rejections to assert that certain claimed features were well known in the art, *i.e.*, without providing actual supportive references for such assertion. With regard to such assertion of apparent judicial (*i.e.*, Examiner) notice of common knowledge or well-known prior art, attention is directed to MPEP §2144.03 which states, "If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." (emphasis in original)

Applicant respectfully reiterates that, according to the statements made by the Examiner in the 6 February Office Action, it appears that judicial notice was taken in the Office Action because such Action is replete with unsupported opinions that claim limitations were well known in the art without citation of any supportive references showing the actual teaching or suggestion of such modifications being present in the applied references. If the Office Action did not cite any reference to support any specific Office Action opinion or allegation, Applicant must then presume

such judicial notice was taken by the Examiner with regard to that Office Action opinion or allegation.

Therefore, Applicant reiterates such traverse of apparent Notice and respectfully requests citation of references supportive of each Office Action opinion or allegation. In contrast, if, as indicated by the Examiner, official notice was not taken, Applicant respectfully requests withdrawal of all such assertions as being unsupported by the cited or applied art.

PENDING CLAIMS

Claims 55-60 were pending in the application at the time of the Office Action, under consideration and subject to examination. At entry of this paper, Claims 55-60 remain pending for further consideration and examination in the application.

REJECTIONS UNDER 35 USC §103 - CLAIMS CANCELLED

At Items 5-10 spanning pages 3-12 of the Detailed Action, Claims 46-54 were variously rejected under 35 USC §103 as being unpatentable over Kramer *et al.* (US 4,667,088)*, Mita *et al.* (US 5,081,672), Junguji (US 4,847,840), Hyatt (US 5,339,275), Kasuga (US 4,542,369), Samph *et al.* (US 5,204,813) and Koenck (US 4,737,702). However, all such claims were properly cancelled in the Amendment filed 6 May 2003, and therefore, continuance of such rejections are improper, and arguments over any prior art rejections regarding such claims have become obsolete at this time. Accordingly, withdrawal of such rejections is respectfully requested.

REJECTIONS UNDER 35 USC §103 - TRAVERSED

The rejection of Claims 55-60 under 35 USC §103 as being unpatentable over Kramer *et al.*, Junguji, , Samph *et al.* and Koenk, and the newly-cited references to Koguchi *et al.* (US 5,138,925) and Etoh *et al.* (US 5,297,097) are respectfully traversed.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections again are respectfully traversed, including the statements made by apparent judicial (Examiner) notice in the Office Action in support of the art rejections to assert that certain claimed features were well known in the art. As Applicant indicated above, the Examiner should cite a reference in support of his position or withdraw such assertions.

Moreover, the following additional remarks are submitted by Applicant's foreign representative in support of the patentability of the claims.

One of the important features of this invention as defined in Claims 55-60 is to provide a memory apparatus (101) which is mountable on and detachable from a digital signal source 100, as shown in, for example, Fig. 67. Especially, Claim 55 is directed to switches 1201, 1202 (see, e.g., page 35 line 13 to page 36 line 15, page 21 line 21 to page 22 line 8, Fig. 12, etc.).

At page 13 lines 10-18 of the 19 June 2003 Office Action, the Examiner points out "Reference SA (Samph *et al.* US 5,204,813), Fig. 3, items 102, 108, 120 and 122 teaches a battery switch". However, at minimum, this invention differs from Samph

et al. in system configuration. Specifically, the present invention is featured by receiving digital signal and power from a digital signal source 100. The external power supply in Samph *et al.* is a storage rack 62 (see, e.g., Col. 5 lines 7-9 of Samph *et al.*). However, Samph *et al.* has no disclosure about data exchange between the storage rack and the external power supply. Data supply to a portable user interactive device 50 is merely to read an inserted memory card 55 by the device 50.

Secondly, the switch 210 pointed out by the Examiner is disclosed at Col. 10 lines 24-26 of Samph *et al.* as "the base of the transistor switch 210 is supplied with the POWER signal which is produced when the RAM card 104 is inserted into the receiving port on the device 60." Accordingly, when a RAM is inserted, the ON/OFF of the power supply is controlled so that data stored in the RAM may not be erased (see, e.g., Col. 10 lines 20 and 21, which state "210 functions to operable connect and disconnect the battery with the power supply circuit 212"). Thus, the switch is not to change over the power supply source. Therefore, Applicant believes that the combination of the main applied references Kramer *et al.* and Samph *et al.* could not disclose, result in, or suggest the structure of this invention.

Based upon the above, reconsideration and withdrawal of all such rejections under 35 USC §103 are respectfully requested.

(*The patent number given in the present Office Action is again wrong and identical to the erroneous patent number given in the previous Office Action.)

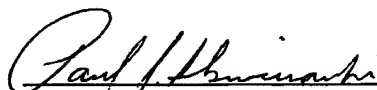
EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local DC area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

This Amendment is being filed within the shortened statutory period for response to the outstanding Office Action, and therefore, no Petition or fee is required. To whatever other extent is actually necessary and appropriate, Applicant respectfully petitions for an extension under 37 CFR §1.136. Please charge any actual deficiencies in appropriate fees to ATS&K Deposit Account No. 01-2135 (as Order No. 500.31310CX2).

Respectfully submitted,



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